

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**INNOVATIVE SPORTS
MANAGEMENT, INC., d/b/a
INTEGRATED SPORTS MEDIA**

Plaintiff,

vs.

Case No. CIV-23-76-D

**JAVIER SANTIAGO GONZALEZ,
a/k/a JAVIER SANTIAGO
GONZALEZ PARALES, individually
and d/b/a MONICA’S BAR & LATIN
CUISINE; *et al.*,**

Defendants.

ORDER


Before the Court is Plaintiff’s Motion for Default Judgment [Doc. No. 11], which is accompanied by a supporting brief and evidentiary materials [Doc. No. 12]. Plaintiff Innovative Sports Management, Inc. d/b/a Integrated Sports Media seeks the entry of a default judgment pursuant to Fed. R. Civ. P. 55(b) against all Defendants for statutory damages under the Communications Act of 1934 as amended, 47 U.S.C. § 605, in the maximum amount of \$110,000.00, plus attorney fees of \$1,800.00 and costs of \$440.32.

Upon consideration of the Motion, supporting documents, and the case record, the Court finds that the Motion does not satisfy LCvR55.1, which provides: “No application for a default judgment shall be entertained absent an affidavit in compliance with the Servicemembers Civil Relief Act.” The only affidavit of Plaintiff’s counsel regarding the individual defendants’ military status was submitted with its Motion for Clerk’s Entry of

Default [Doc. No. 9], and the affidavit includes only a conclusory statement that these individuals “are not believed to be an infant, incompetent person, or person in military service or otherwise exempted from default judgment under the Soldiers’ and Sailors’ Civil Relief Act of 1940.” *See* Weintraub Decl. [Doc. No. 9-1], ¶ 9. No basis for this belief is stated. No report from the Department of Defense Manpower Data Center is provided or mentioned.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Default Judgment [Doc. No. 11] is **DENIED** without prejudice to resubmission upon compliance with the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq*, and LCvR55.1.

IT IS SO ORDERED this 23rd day of May, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge